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7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11

12 Plaintiff,

13 v.

14 DANIEL PLATA AND
JONATHAN PAVON

15 Defendant.
16

Case No. 2:20-cr-00032-JCM-EJY

**STIPULATION TO CONTINUE
DEADLINE FOR SENTENCING
MEMORANDUM**
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
18 Acting United States Attorney, and Jean Ripley, Assistant United States Attorney, counsel for
19 the United States of America, and Rene L. Valladares, Federal Public Defender, and Navid
20 Afshar, Assistant Federal Public Defender, counsel for Daniel Plata, and Theresa A. Ristenpart,
21 counsel for Jonathan Pavon, that the Sentencing Memorandum deadline for October 28, 2022,
22 be continued to Tuesday, November 1, 2022.

23 The Stipulation is entered into for the following reasons:

24 1. Counsel waiting for confirmation on information relevant to sentencing
25 memorandum. Counsel will file memorandum as soon as received.

26 2. Defendants are not in custody.

3. The parties agree to the continuance.

4. The additional time requested is not sought for purposes of delay, but merely to allow counsel sufficient time within which to be able to effectively and thoroughly complete the memorandum.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the first stipulation to continue.

DATED this 31st day of October 2022.

RENE L. VALLADARES
Federal Public Defender

CHRISTOHER CHIOU
Acting United States Attorney

By /s/ Navid Afshar

By /s/ Jean Ripley

NAVID AFSHAR
Assistant Federal Public Defender
Counsel for Daniel Plata

JEAN RIPLEY
Assistant United States Attorney

/s/ Theresa A. Ristenpart

By _____
THERESA A. RISTENPART
Counsel for Jonathan Pavon

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DANIEL PLATA and
7 JONATHAN PAVON,

8 Defendant.

Case No. 2:20-cr-00032-JCM-EJY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel waiting for confirmation on information relevant to sentencing
14 memorandum. Counsel will file memorandum as soon as received.

15 2. Defendants are not in custody.

16 3. The parties agree to the continuance.

17 4. The additional time requested is not sought for purposes of delay, but merely to
18 allow counsel sufficient time within which to be able to effectively and thoroughly complete
19 the memorandum.

20 5. Additionally, denial of this request for continuance could result in a miscarriage
21 of justice. The additional time requested by this Stipulation is excludable in computing the time
22 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States
23 Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
24 Section 3161(h)(7)(B)(i), (iv).
25
26

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that sentencing memorandum must be electronically submitted to the Court by the **1st day of November, 2022**.

DATED October 31, 2022.

James C. Mahan
UNITED STATES DISTRICT JUDGE